

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF NEW)	
CINGULAR WIRELESS PCS, LLC D/B/A AT&T)	
MOBILITY FOR ISSUANCE OF A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY)	CASE NO.
TO CONSTRUCT A WIRELESS)	2021-00327
COMMUNICATIONS FACILITY IN THE)	
COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF METCALFE)	

ORDER

On October 10, 2021, New Cingular Wireless PSC, LLC, a Delaware limited liability company, d/b/a AT&T Mobility (AT&T) and Harmoni Towers LLC, a Delaware limited liability company (AT&T/Harmoni), filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment in perpetuity or for a minimum of ten years for the affidavit in support of application.

In support of its motion, AT&T/Harmoni argue that the affidavit includes discussion of inherently propriety or confidential information, and that if disclosed, the material would permit unfair commercial advantage to competitors under 807 K.A.R. 5:001, Section 13.

Having considered the motion and the material at issue, the Commission finds that the affidavit in support of the application is generally recognized as confidential or proprietary. In addition, similar affidavits to the one at issue have recently been granted

confidential treatment by the Commission.¹ It therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)9(c)(1).

IT IS THEREFORE ORDERED that:

1. AT&T/Harmoni's motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for ten years or until further Order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. AT&T/Harmoni shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.
5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, AT&T/Harmoni shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If AT&T/Harmoni

¹ Case No. 2020-00310, *Electronic Application of New Cingular Wireless Pcs, LLC d/b/a AT&T Mobility for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility in the Commonwealth of Kentucky in the County of Pulaski* (Ky. PSC Apr. 19, 2021), See also, Case No. 2020-00300 *Electronic Application of new Cingular Wireless PCS, LLC D/B/A AT&T Mobility for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility in the Commonwealth of Kentucky in the County of Livingston* (Ky. PSC Dec. 14, 2021).

are unable to make such a demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow AT&T/Harmoni to seek a remedy afforded by law.

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By the Commission

ENTERED
FEB 24 2022
rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2021-00327

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